



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: TRIPP, Gary

Attorney Docket No. ARCE-1-1008

Serial No.: 10/688,361

Group Art Unit: 2154

Filing Date: October 17, 2003

Examiner: VU, V.

Title: PEER-TO-PEER AUTOMATED ANONYMOUS ASYNCHRONOUS FILE SHARING

**PETITION UNDER 37 CFR § 1.182 AND MPEP § 201.06(c)**

TO THE COMMISSIONER OF PATENTS:

**REMARKS**

Applicant hereby petitions that Claims 1-7 that were incorporated by reference from parent application US Patent No. 6,675,205 be accorded the filing date of October 17, 2003. Claims 1-7 were inadvertently omitted from the application papers. Submitted with this petition are the omitted claims (Preliminary Amendment) and a copy of the utility patent application transmittal letter. The utility patent application transmittal letter identifies in Section 18 that the above identified application is a continuation of prior US Patent Application No. 09/910,460. The following statement is also included within Section 18:

The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5(b), is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application papers.

Therefore, no new matter is being added and the Applicant request that the Claims 1-7 be accorded the filing date of October 17, 2003.

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25315

CUSTOMER NUMBER

-1-

ARCE-1-1008PET

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Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5/20/04

Date of Deposit

Rachel M. Woodard

25315

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- 2 -

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> (Only for new nonprovisional applications under 37 CFR 1.53(b))		<b>Attorney Docket No.</b> ARCE-1-1008
<b>First Inventor</b> Tripp et al.		
<b>Title</b> PEER-TO-PEER AUTOMATED ANONYMOUS ASYNCHRONOUS FILE SHARING		
<b>Express Mail Label No.</b> EL962633603US		

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.

3. ☒ Specification [Total Pages **54**]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **34**]

5. Oath or Declaration [Total Pages **4**]  
a. ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
b. ☒ (for continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

<b>ACCOMPANYING APPLICATION PARTS</b>	
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney	
11. <input type="checkbox"/> English Translation Document (if applicable)	
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations	
13. <input type="checkbox"/> Preliminary Amendment	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
17. <input checked="" type="checkbox"/> Other: Check No. 9317. (\$385)	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 910,460

Prior application information: Examiner VIET VU Group Art Unit: 2154

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

<b>19. CORRESPONDENCE ADDRESS</b>			
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> Correspondence address below	
Name			
Address			
City		State	Zip Code
Country		Telephone	Fax

Name (Print/Type)	David A. Lowe	Registration No. (Attorney/Agent)	39,281
Signature		Date	10/17/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.